IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1619 of 1996
With
SPECIAL CIVIL APPLICATION No. 1620 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMI DHARMISHTABEN CHIMANLAL & 2 - Petitioner(s)
Versus
RAMI CHAMPAKLAL MANILAL & 3 - Respondent(s)

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Appearance :
MR JITENDRA M PATEL for Petitioner(s) : 1, 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.3.1, 1.3.2, 1.3.3, 1.3.4,1.3.5 - 3.
None for Respondent(s) : 1, 4,
MR VC DESAI for Respondent(s) : 1.2.1, 1.2.2,1.2.3 - 3.
MR AJ PATEL for Respondent(s) : 4.2.1, 4.2.2, 4.2.3,4.2.4
RULE SERVED for Respondent(s) : 4.2.5

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 10/07/2006

ORAL JUDGMENT

1. Both these Special Civil Applications are disposed of by this common judgment and order, as common question

of law and facts arise in both these petitions and common judgment and order passed by the Gujarat Revenue Tribunal, Ahmedabad (for short “the Tribunal”) is under challenge.

2. In both these Special Civil Applications under Article 227 of the Constitution of India, the respective petitioners have challenged the legality and validity of the common judgment and order passed by the Tribunal dated 30-11-1995 passed in Revision Application Nos.TEN.BA.864/1993 and TEN.BA.865/1993 by which the Tribunal has allowed Revision Application No.TEN.BA.864 of 1993 preferred by respondent No.4 herein i.e. trustees of Shri Balkrishna Lalji Mandir Trust and has partly allowed Revision Application No.TEN.BA.865 of 1993 filed by heirs of deceased Rami Manilal Manchharam, respondent No.1 herein. The Tribunal by the aforesaid common judgment and order, has upset the concurrent findings of the fact given by both the authorities below i.e. the Mamlatdar and ALT as well as the Deputy Collector (Land Reforms), Appeals, Mehsana by which the petitioners were declared as tenants of the lands in question.

3. On going through the common judgment and order

passed by the Tribunal and the reasonings, it appears to the Court that there is no specific findings given by the Tribunal and no proper reasonings are given by the Tribunal and therefore, this Court suggested that let the matter be remanded to the Tribunal for fresh decision and the learned advocates appearing on behalf of the parties agreed that let the impugned judgment and order passed by the Tribunal be set aside and the matter be remanded without observing anything on merits of the case.

4. In view of the above and the consensus between the learned advocates appearing on behalf of the parties and without expressing any opinion on merits of the case, impugned judgment and order passed by the Tribunal dated 30-11-1995 passed in Revision Application Nos.TEN.BA.864/1993 and TEN.BA.865/1993 is hereby quashed and set aside and the matter is remanded to the Tribunal for fresh decision after giving an opportunity to all the concerned parties. The Tribunal is directed to give specific findings and proper reasonings. Accordingly, both the revision applications are to be heard by the Tribunal afresh after giving an opportunity to all the concerned

parties. Such an exercise to be done within a period of six months from the date of receipt of this order. The Tribunal is directed to see that both the revision applications on remand, are decided within a period of six months from the date of receipt of this order as stated above and the learned advocates appearing on behalf of the parties have given the assurance to the Court that the they will give fullest cooperation to the Tribunal for early disposal of the aforesaid revision applications on remand and they will not ask for unnecessary adjournments.

5. With this, both these Special Civil Applications are disposed of. Rule is made absolute to the aforesaid extent. No costs. Interim relief granted earlier, if any stands vacated forthwith.

(M.R.SHAH,J.)

shekhar/-